

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2179**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinya TAGUCHI et al.

Group Art Unit: 2179

Application No.: 10/625,700

Examiner: N. AUGUSTINE

Filed: July 24, 2003

Docket No.: 116678

For: IMAGE PROCESSING SYSTEM

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 6, 2008 Final Rejection, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-3, 5-12 and 15-25 are pending in this application. The Office Action rejects claims 1-3, 5-12 and 15-25 under 35 U.S.C. §103(a) over U.S. Patent No. 7,149,874 to Girgensohn et al. (hereinafter "Girgensohn"). This rejection is respectfully traversed.

Girgensohn was previously applied under 35 U.S.C. §102(e). However, Girgensohn is commonly assigned to Fuji Xerox Co., Ltd. and was filed on April 3, 2002. The present application is commonly assigned to Fuji Xerox Co., Ltd. and was filed on July 24, 2003. As such, Girgensohn does not qualify as prior art for the purpose of a §103 rejection under the provisions of 35 U.S.C. §103(c)(1) because the subject matter and the claimed invention

were, at the time the claimed invention was made, owned by the same entity or subject to an obligation of assignment to the same entity.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3, 5-12 and 15-25 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5-12 and 15-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: May 6, 2008

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